

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 182
FINAL READING

Introduced by Transportation and Telecommunications Committee:
Baker, 44, Chairperson; Aguilar, 35; Brown, 6;
Hudkins, 21; Jones, 43; Dw. Pedersen, 39; Smith, 48;
Stuthman, 22

Read first time January 10, 2003

Committee: Transportation and Telecommunications

A BILL

1 FOR AN ACT relating to motor vehicles; to amend sections 60-1407
2 and 60-1422, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to motor vehicle dealer
4 franchises; to harmonize provisions; and to repeal the
5 original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 60-1407, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 60-1407. Any person desiring to apply for one or more of
4 the types of licenses described in Chapter 60, article 14, shall
5 submit to the board, in writing, the following required
6 information:

7 (1) The name and address of the applicant, if the
8 applicant is an individual, his or her social security number, and
9 the name under which he or she intends to conduct business. If the
10 applicant is a partnership or limited liability company, it shall
11 set forth the name and address of each partner or member thereof
12 and the name under which the business is to be conducted. If the
13 applicant is a corporation, it shall set forth the name of the
14 corporation and the name and address of each of its principal
15 officers;

16 (2) ~~the~~ The place or places, including the city or
17 village and the street and street number, if any, where the
18 business is to be conducted or the salesperson employed;

19 (3) ~~if~~ If the application is for a motor vehicle dealer's
20 license, trailer dealer's license, or motorcycle dealer's license
21 (a) the name or names of the new motor vehicle or vehicles, new
22 trailer or trailers, new motorcycle or motorcycles which the
23 applicant has been enfranchised to sell or exchange, (b) and the
24 name or names and address or addresses of the manufacturer or
25 distributor who has enfranchised the applicant, (c) and a current
26 copy of each existing franchise, and (d) a description of the
27 community as defined in section 60-1401.02 designated in the
28 franchise agreement or, if the franchise agreement fails to

1 designate a community, (i) the community of the franchisee is the
2 area surrounding the location of the franchisee in a five-mile
3 radius from the dealership if the location is within a city of the
4 metropolitan class and (ii) the community of the franchisee is the
5 county in which the franchisee is located if the location is not
6 within a city of the metropolitan class;

7 (4) ~~if~~ If the application is for any of the above-named
8 classes of dealer's licenses, the name and address of the person
9 who is to act as a motor vehicle, trailer, or motorcycle
10 salesperson under such license if issued; and

11 (5) ~~a~~ A description of the proposed place or places of
12 business proposed to be operated in the event a license is granted
13 together with (a) a statement whether the applicant owns or leases
14 the proposed established place of business as defined in section
15 60-1401.02 and, if the proposed established place of business is
16 leased, the applicant shall file a true and correct copy of the
17 lease agreement, and (b) a description of the facilities for the
18 display of motor vehicles, trailers, and motorcycles.

19 Subdivision (3)(d) of this section shall not be construed
20 to require any licensee who has a franchise on the effective date
21 of this act to show good cause to be in the same community as any
22 other licensee who has a franchise of the same line-make in the
23 same community on the effective date of this act.

24 Sec. 2. Section 60-1422, Reissue Revised Statutes of
25 Nebraska, is amended to read:

26 60-1422. No franchisor shall enter into any franchise
27 for the purpose of establishing an additional motor vehicle,
28 combination motor vehicle and trailer, motorcycle, or trailer

1 dealership or warranty repair service facility, in any community in
2 which the same line-make is then represented, unless the franchisor
3 has first established in a hearing held under ~~the provisions of~~
4 Chapter 60, article 14, that there is good cause for such
5 additional motor vehicle, combination motor vehicle and trailer,
6 motorcycle, or trailer dealership under such franchise, or warranty
7 repair service facility, and that it is in the public interest.

8 Sec. 3. Original sections 60-1407 and 60-1422, Reissue
9 Revised Statutes of Nebraska, are repealed.